

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM ZANTELO,

Plaintiff,

v.

Case number 06-10745

Honorable Julian Abele Cook, Jr.

SHELBY TOWNSHIP, SCOTT PHELPS,
KENNETH L. UNDERWOOD, AND LOUIS
FRANCIS,

Defendants.

ORDER

On February 17, 2006, the Plaintiff, William Zantello (“Zantello”), filed a Complaint, in which he charged each of the Defendants, Shelby Township et al,¹ with (1) a warrantless search and seizure, acts of excessive force, and malicious prosecution, all in violation of 42 U.S.C. § 1983, (2) assault and battery, (3) false arrest, (4) false imprisonment, (5) malicious prosecution, in violation of Mich. Comp. Laws § 600.2907, (6) gross negligence, and (7) a multitude of constitutional violations by Shelby Township representatives.

On January 26, 2007, the Defendants filed a motion for summary judgment, contending that there were no genuine issues of material fact to be resolved by the Court. For the reasons that were stated on the record during a hearing on April 12th of this year, the Defendants’ motion for summary judgment is granted as it relates to the Plaintiff’s claims which pertain to the alleged custom, policy

¹The Defendants in this cause have been identified by the Plaintiff as Shelby Township, Officers Scott Phelps, Kenneth Underwood, and Louis Francis.

or procedure of Shelby Township and the liability of Officer Louis Francis. However, the Court will, and does, deny the balance of the Defendants' dispositive motion because there exist genuine issues of a material fact as to all of the remaining issues.

IT IS SO ORDERED.

Dated: April 23, 2007
Detroit, Michigan

s/ Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Court Judge

Certificate of Service

I hereby certify that on April 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the ECF system, and I further certify that I mailed a copy to the non-ECF participant(s).

s/ Kay Alford
Courtroom Deputy Clerk